UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.236
6 November 1995

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Tenth session

SUMMARY RECORD OF THE 236th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 31 October 1995, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

ITALY (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-19295 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Italy (CRC/C/8/Add.18; CRC/C.10/WP.2) (continued)

1. At the invitation of the Chairperson, Mr. Citarella, Mr. Onelli and Mr. Torella di Romagnano (Italy) took places at the Committee table.

2. The CHAIRPERSON invited the delegation of Italy to provide information on the questions the Committee had asked in connection with the section of the list of issues (CRC/C.10/WP.2) entitled "General measures of implementation", which read:

"General measures of implementation
(Arts. 4, 42 and 44, para. 6, of the Convention)

1. Please provide further information on the implementation of the Convention by the courts. Has the Convention been invoked before the courts or have the courts taken account of provisions of the Convention in their decisions?

2. Please indicate the present status of the draft framework law on minors, referred to, inter alia, in paragraph 4 of the report.

3. Please provide information on the measures taken to develop mechanisms for the determination of appropriate indicators and to improve mechanisms for the collection of statistical data and other information on the status of children as bases for designing programmes to implement the Convention.

4. Please describe the national institution(s), if any, which have been created to promote the rights of the child and to monitor the implementation of children's rights.

5. Please describe the steps taken to ensure the effective coordination between administrative structures, at the municipal, provincial and regional levels as well as at the national levels, involved in the implementation of the provisions of the Convention.

6. Please provide further information on the steps being taken to implement article 4 of the Convention with regard to the allocation 'to the maximum extent of (...) available resources for the rights of the child'. What guarantees exist to ensure that local authorities are also guided by this principle in their policy-making and that children throughout the country are protected against the adverse effects of any reductions in budgetary allocations, especially to the social sector?

7. To what extent is international cooperation designed to foster the implementation of the Convention? What proportion of international aid is allocated to programmes for children?

8. Please indicate the measures adopted to make the principles and provisions of the Convention known among adults and children.

9. In what languages spoken by the larger refugee and immigration groups is the Convention available?

10. What measures have been taken to incorporate education about the Convention in training or retraining programmes for professionals working with or for children such as educators, government officials, social workers and health workers?

11. What concrete measures have been taken or are foreseen to make the report widely available to the public at large in the light of article 44, paragraph 6, of the Convention?"

3. Mr. CITARELLA (Italy) said that his delegation fully agreed with the statement made at the preceding meeting that the Convention did not constitute the final destination in the process of defending the rights of children. It was only a starting point for cooperation among all nations with a view to improving the status of children and setting minimum standards for countries. His delegation was aware that it was not enough merely to say that Italy fully complied with the Convention.

4. He pointed out that the reservations formulated by his Government contained nothing contrary to the Convention. His delegation had tried to stress that the principles of the Convention went in the same direction and had the same objectives as Italy's principles and legislation. It was aware that the situation of children in the north and the south differed and that there were also differences in social and family structures in various parts of the country.

5. He also pointed out that nothing in his country's system was contrary to the principles of the Convention. Since Italy wished to improve on what had been done so far, the exchange of information between the members of the Committee and his delegation and the consideration and evaluation of the Italian situation would certainly provide insight into what should be done and what the next step might be in order to ensure the protection of children. In the near future, new legislation concerning children would be introduced in Italy.

6. It was true that the Convention had not been distributed to everyone in Italy. It was also true that minors did not have the possibility of participating actively in the social and economic life of the country. He nevertheless noted that attempts which had been made to enable them to do so were now being monitored to determine what the results would be.

7. With regard to the question of international cooperation referred to by some members of the Committee, he said that documents supplied by his delegation clearly showed that Italy had adopted a positive policy towards minors from other countries and, in particular, from Eastern Europe.

8. As far as the war in the former Yugoslavia was concerned, efforts were being made to pay close attention to the problems of minors arriving at the

Italian border. Those minors were treated in accordance with the provisions of the Convention, were informed of their rights and told that they could stay in Italy if they so wished. They were also given the necessary social and economic support to enable them to make a decision about their future.

9. A family consultative committee was present in every municipality and sought to resolve problems facing the family. Interested persons such as doctors, psychologists and social welfare workers were invited to participate in the consideration of problems facing the families concerned. Each family consultative committee was an independent structure.

10. With regard to the Blue Telephone, he stressed that the funds it received came from private individuals and foundations and not from the State.

11. Mr. ONELLI (Italy) said that an act adopted in 1991 established the relationship between charitable organizations and the public administration and set up a national fund that provided modest resources on a regional basis.

12. Referring to the financial resources provided for in connection with the rights of the child, he said that the regionalization of the administration meant that the regions were autonomous with respect to the allocation of resources in various areas of activity. Action was also being taken at the centralized level concerning the distribution of resources through the Ministry of the Interior. In that connection, he said that prefects could act at the municipal level to establish specific programmes for children provided for by national legislation.

13. During the past year, it had been realized that, in order to support a social policy regarding children, account had to be taken both of national resources and of resources at the European level. A large part of the resources allocated for training purposes in Italy had been used for young persons, particularly in the south.

14. The CHAIRPERSON invited the Committee to take up the section of the list of issues (CRC/C.10/WP.2) entitled "General principles", which read:

"General principles
(Arts. 2, 3, 6 and 12)

12. Please provide further information on the steps taken to prevent and eliminate discriminatory attitudes or prejudices and to ensure effective protection against discrimination, particularly for the girl child, disabled children, children born out of wedlock and children belonging to minorities, including Gypsy children.

13. In view of the information contained in paragraph 14 of the report, please provide further details of the measures taken and machinery created to ensure that the best interests of the child are protected in all actions concerning children.

14. Please provide further information on how the views of the child are taken into account in practice in cases of the separation of a child's parents.

15. Please provide further information on the possibilities which exist for children to obtain medical counselling without parental consent."

15. Mr. HAMMARBERG said it was clear from the report that Gypsy children constituted a serious problem for the authorities. In that connection, he referred to the low attendance of Gypsy children in school and their high crime rate. A distinction had also been noted between Italian citizens who were Gypsies and Gypsies who were not citizens. In his opinion, that distinction was not quite clear in some parts of the report. He would like to know whether any measures had been taken to ensure that all children of the Gypsy community, whether Italian citizens or not, enjoyed the rights of the child fully, fulfilled their responsibility to attend school and enjoyed the right of education. In that connection, the Committee had been informed by non-governmental organizations that some cases involving abuse by the police force had actually been against minors of the Gypsy community. If those reports were true, they would suggest that there was a conflict that would require a comprehensive approach.

16. The section of the Convention relating to the best interests of the child was not fully covered in the report. The Committee would welcome further information from the Italian delegation on how the Government had integrated that principle into its own decision-making and on the importance it attached to the best interests of the child.

17. Mrs. SANTOS PAIS said that she was concerned by what the Italian delegation had said about juvenile crime, namely, that it often involved young Gypsies and immigrants from outside the European Union who were being exploited by adults from the groups to which they belonged. The delegation had also said that the number of Italian minors had declined over the past four years, while the number of foreign minors had risen and paragraph 99 of the report stated that social unrest was especially great in the south of the country. The implication was that under-privileged groups tended to become criminals. While the report said that the Government had tried to prevent unrest and antisocial behaviour, her concern was that the official government position might be interpreted as stigmatizing exactly those groups which were the most disadvantaged because they lacked an adequate standard of living or because they were Gypsies or foreigners. Throughout Europe, there was a tendency to try to label people and say that one group was closer to crime than another, whereas the principle of the presumption of innocence should be respected. Referring to paragraph 2, article 2, of the Convention, concerning protection against discrimination, she asked what kind of preventive measures the Government was considering to prevent such stigmatization.

18. With regard to children born out of wedlock, paragraph 17 (b) of the report stated that "it is the duty and right of parents to support, instruct and educate their children, even those born out of wedlock". What did "even those" mean? According to paragraph 45, the Constitution guaranteed children born out of wedlock all legal and social protection compatible with the rights of the members of the legitimate family. Paragraph 151, by contrast, seemed to suggest that it was only families based on marriage that were entitled to "core-family allowances", while children born out of wedlock or in single-parent families did not receive support from the State, and that was discriminatory.

19. As to the principle of the "best interests" of the child, the judge in divorce proceedings could order minors to be heard, even in the absence of their parents, if he deemed it advisable or necessary. At the same time, such a hearing was contingent upon its not harming the minor's peace of mind. Was she therefore correct in assuming that Italian legislation defined the "best interests" as anything which was not actually harmful to the child and that those interests would not otherwise be taken into consideration?

20. Mr. CITARELLA (Italy), replying to the question about Gypsies, said that it was a complex problem, as there were two groups of Gypsies in Italy: those who had established permanent residence in Italy, and most of whom chose to be Italian nationals, and those who had entered Italy, whether legally or illegally, but who were not nationals. That was the real problem, both for Italy and for other European countries, and there was a high percentage of minors in that group who were involved in criminal activities, although not always according to their own wishes. Many Gypsies of non-Italian origin had entered the country and become involved in criminal activities, but received special treatment from the courts, which had applied the Slavery Convention, as it was sometimes true that Gypsy minors had committed crimes because they had been treated as slaves or forced to do so. The fact that such a high percentage of Gypsies entering the country engaged in criminal activities was a source of potential conflict between those groups and the population. Should those individuals leave the country or how should they be treated?

21. Based on agreements between the municipalities and the groups, social welfare and other positive measures were being taken to meet their needs. One example was that Gypsies, who preferred to change their domicile frequently, were sometimes sentenced to prison terms without being notified. The criminal law had accordingly been amended on their behalf. Another example concerned school attendance, on which administrative decisions had been taken to enable Gypsy children to attend school as regularly as possible by permitting them to attend school one month in one city and the next month in another city. Having a stable residence was no longer a prerequisite for attending school.

22. As to whether the treatment of children in the event of the separation or divorce of their parents was contrary to the spirit of the Convention, he said that Italian law guaranteed that minors could attend the relevant legal proceedings when they so desired, but a judge would not force them to do so if it would hurt them. A judge could not take decisions concerning a minor unless that minor appeared before him with a social assistant. A new law was also about to be passed that would change the problem of the child's appearance in court, so that the court could not decide on any separation or divorce case without having asked a minor of an appropriate age what his wishes were.

23. Children born out of wedlock were, in principle, guaranteed the same rights as any other children. The only difference concerned family allowances for minors. If a child born out of wedlock was not recognized by either or both parents, he would not receive such an allowance. If, however, one or both parents recognized the child as theirs, the child would receive a family allowance.

24. Mr. MOMBESHORA asked whether there was legal authority to investigate cases of discrimination and what the penalties were.

25. Mr. HAMMARBERG said that the problem of Gypsies was being experienced throughout Europe, but he was worried about the language used by the Italian delegation and law, which seemed to make no distinction between those who had the right to stay in Italy and those who did not. There should be no doubt about the rights of those Roma who were citizens. The terminology employed regarding Gyspy lifestyle was also unfortunate, as many Gypsies were not in fact nomads, and such cultural labelling might cause misunderstandings. The same could be said about criminality. The problem of prejudice among the population at large should be addressed more fully by the Government, particularly with regard to Gypsy children living on the streets. The Committee should include in its comments that the State party should deal with aspects of the rights of children and with combating prejudice.

26. Mr. KOLOSOV asked whether the Government had reacted to the concerns expressed at the March 1995 session of the Committee on the Elimination of Racial Discrimination about discrimination in Italy (CERD/C/SR.1075-1077).

27. Mrs. SANTOS PAIS said that, while she was encouraged by the Italian Government's participation in the European Union's fight against exclusion of Gypsies, foreigners and other poor groups, such measures should be strengthened, in particular to prevent juvenile delinquency.

28. Through a combination of legal provisions, it was apparent that children born out of wedlock would not be punished for their condition, but she was concerned about future legislation concerning family allowances. As to "best interests", that concept was sometimes taken for granted and no one was considering whether something more or better could be done for the children. An example was that, in certain situations, children must appear before the judge, but what of situations where it would be harmful to the child to do so?

29. Miss MASON said that, when considering non-discrimination, xenophobia and racial violence, there was a tendency to focus exclusively on the victims. Her concern was with those who practised discrimination and, in particular, where Italy was concerned, with the groups known as skinheads. She asked how many skinheads had been prosecuted and imprisoned in Italy and to what extent young people aged under 18 were involved in such groups. Since it appeared from the report that persons under 18 were not normally prosecuted except in extreme circumstances, she asked whether their involvement in skinhead groups was considered extreme enough to warrant prosecution. She also pointed out that prosecution alone was not enough, as the criminal acts for which young skinheads might be punished had deeper social and psychological roots, and she asked how they were dealt with, bearing in mind that, in the light of the Convention, one of the aims of education was to develop respect for different cultures.

30. Mr. CITARELLA (Italy) said that discussion of the rights of the child easily overlapped with other matters such as discrimination. On the question of skinheads, the Government of Italy had given detailed replies to the Committee on the Elimination of Racial Discrimination. In recent years, most

criminal activities associated with discrimination against minority groups, 45 of which had been identified in Italy, had been committed by small groups of skinheads, with a total membership of between 200 and 220, who were well known and also involved in soccer violence. Those groups' members were involved in violence for the sake of violence and naturally singled out vulnerable persons as their victims. They were successfully being brought under control by a new law, dating from May 1993, which made the prosecution of such groups possible not only for the use of violence, but for forming associations to commit violence. Perhaps even more important, a set of penalties that might be described as social penalties had been introduced as a substitute for prison sentences. Persons were sentenced to perform community service and to assist others. He was confident that the new law would lead to the disappearance of the groups of skinheads.

31. In reply to Mr. Mombeshora's question, he said that persons could assert their rights before a judge if they were the victims of discrimination and that many sentences had been handed down in such cases.

32. Referring to the preservation of the best interests of the child in court cases and the responsibility of judges to decide whether or not it was in the best interests of a child to be heard by a court, he said that court procedure was quite complex. If a judge considered that a minor should be heard or if a minor asked to be heard, the judge requested the assistance of a social worker who looked into the child's background and circumstances before reporting back to the judge, who then decided whether the child should appear in court.

33. Italy's Gypsy population was divided into three categories: Gypsies long established in Italy who were Italian citizens, those who had entered recently and legally and those who had entered illegally. However the existence of those three categories did not mean that Gypsy children were treated differently once they were in Italy. All children in Italy were entitled to the same protection regardless of their status. However, children whose families had entered Italy unlawfully might be in a precarious situation. Three or four years previously, Italy had adopted a law which gave all illegal entrants the opportunity to regularize their situation and obtain permanent resident status. Some 350,000 persons had benefited from that law. The current situation in terms of illegal entrants in Italy was similar to that which had existed when the law had been adopted and the Italian authorities hoped to find a similar solution.

34. Mr. TORELLA di ROMAGNANO (Italy), referring to Mr. Kolosov's question on how the Government of Italy had reacted to the concerns expressed by the Committee on the Elimination of Racial Discrimination in March 1995, said that very little time had elapsed since March and the Government had taken due note of the Committee's concluding observations and recommendations, which had been forwarded to the competent bodies, namely, the Ministries of Justice, Labour, the Interior and Health, which were all members of the Interministerial Committee on Human Rights. It was too soon to report any immediate results, but action would certainly be taken on the recommendations by the Committee on the Elimination of Racial Discrimination.

35. Mr. KOLOSOV said that, if the Committee on the Rights of the Child expressed concern about discriminatory attitudes towards children, he hoped

that the Government of Italy would react promptly, as children grew up extremely quickly and measures taken even in a few years' time would be of little benefit to children today.

36. The CHAIRPERSON said that, in some countries, cases could be heard in camera when a judge decided that it was not in the best interests of the child to appear in court, but it was important for his views to be heard. Such an arrangement should be provided for in all countries.

37. Summing up the discussion on general principles, she said that the members of the Committee had noted that the information provided in the report of Italy on the implementation of the principle of the best interests of the child was insufficient, although they had welcomed the forthcoming law that would allow children over a certain age to be heard when their parents separated. The members had expressed concern about the situation of Gypsies in general, a problem which the delegation of Italy had acknowledged, and had urged that the question should be considered not just at the national level, but also at the regional level, in view of its importance for children and the need for improvement. In order to combat different forms of discrimination, they had drawn attention to the need to protect victims and to prosecute those who practised discrimination.

38. She invited the Committee to take up the section of the list of issues entitled "Civil rights and freedoms", which read:

"Civil rights and freedoms
(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

16. Please provide information on the implementation of article 15 of the Convention.

17. In view of the information contained in paragraphs 84 and 85 of the report, please indicate the measures being taken or considered to solve the problem of organizing religious instruction schedules in schools or providing for replacement subjects for students who choose not to have religious instruction.

18. Please provide information on how the balance between respect for the child's right to privacy and the duty of parents to take responsibility for their children is achieved.

19. Please provide further information on the measures taken to prevent the ill-treatment of children. In addition, are there complaints procedures which can be used by children themselves in the case of their abuse or ill-treatment? In this connection, please indicate whether a 'child abuse hotline' exists and, if the answer is yes, whether its use is widespread throughout the country."

39. Mrs. SANTOS PAIS said that information on article 15 of the Convention had not been included in the report and the written replies provided by the Italian delegation. The provisions of article 15 of the Convention were important, as they affected the ability of children to express their views on decisions of concern to them. She asked whether there were any specific

provisions to allow children to form associations, whether there were any school councils or municipal children's organizations or whether the rights of children under article 15 were merely covered by the general constitutional provisions relating to freedom of expression.

40. The provisions of article 19 of the Convention meant that corporal punishment was not an appropriate means of child-rearing and she wished to know whether Italy had legislation on the use of corporal punishment within the family. It was her understanding that the Penal Code still authorized reasonable physical punishment by parents and that sentences in the case of the death or injury of a child were reduced if there was a parental or educational relationship between the victim and the person who had inflicted the punishment. She asked whether there was any intention of changing that situation, pointing out that it was important for the law to indicate that corporal punishment was not an appropriate way of negotiating solutions with children.

41. She had concluded from the information contained in the report that Italian law did not regard torture as a specific offence and was not an effective deterrent against that practice. She asked whether any new law was planned to give effect to the provisions of article 37 of the Convention and whether any independent body had been established to receive complaints by children and, if so, what publicity was given to its findings.

42. Mr. HAMMARBERG noted that there were two aspects to article 17 of the Convention. It required States parties to adopt guidelines in respect of television programmes and to take concrete action to provide children with alternative programmes. The report referred to the first aspect, but the Committee would appreciate information on the second and, in particular, on the reaction of the media to the document on "Minors and television" submitted by the Consumers' Advisory Council in 1991 and, in general, on the effectiveness of the voluntary approach to the problem of children and broadcasting.

43. The Committee would also appreciate information on positive steps to implement the provisions of article 17 (a), as well as information on measures not only to encourage the publication of children's books, but also to publish books and information material in minority languages and to foster international cooperation in that regard.

44. Mr. MOMBESHORA said it appeared from paragraph 91 of the report that the provisions of Italian legislation to protect children against obscene publications and performances were watertight. However, he asked whether publications such as Penthouse or Playboy, which could have a harmful influence on children, were available, and whether, in view of the increase in the number of video outlets, there were any means of ensuring that pornographic videos were not actually seen by children.

45. Mrs. BADRAN asked whether religious instruction in schools did not lead to the separation of children belonging to different religions. Was any attempt made to draw on factors common to different religions in order to prevent religion from acting as a factor of separation?

The meeting was suspended at 5 p.m. and resumed at 5.10 p.m.

46. Mr. CITARELLA (Italy), replying to questions on corporal punishment, said that, in Italy, legislation relating to children was complex and extensive. Article 571 of the Penal Code stated that the use of means of correction by those having authority over children was allowed, provided that it was reasonable and normal. Abuse of means of correction resulting in physical or mental harm to the child was punishable by up to six months' imprisonment. The more serious the harm done, the more serious the sentence, and abuse resulting in death was punishable by three to eight years' imprisonment.

47. The next article of the Penal Code laid down even more severe penalties for similar offences committed within the family. Ill-treatment of a child was a crime punishable by 1 to 5 years' imprisonment, while serious harm to a child was punishable by 4 to 8 years' imprisonment, or 7 to 15 years in severe cases. If ill-treatment resulted in death, the penalty was 12 to 20 years. He pointed out, however, that, in Italy, unlike in other countries, corporal punishment was not often used, either within families or in schools or other institutions.

48. Mr. ONELLI (Italy) said that a study carried out by Italy's National Observatory for Children on the problem of violence against children had highlighted the need to create departments responsible for children's concerns in every sector of Government administration, at the central, local and regional levels. The problem was a very serious one that would require broader social policies if a solution was to be found. Under policies currently applied, the views of the parents, rather than the views of the child, were taken into account, and that made it difficult to identify the causes of problems. That was all the more true in the case of children in institutions.

49. The Observatory had also studied the effects of the mass media, and notably television, on children. It had found that those working in television were fully aware of the need to use the medium to educate both children and parents about human rights, particularly in connection with the Convention.

50. Mr. TORELLA di ROMAGNANO (Italy), replying to questions on torture and other crimes committed against children, said that Italy had already stated when reporting to the Committee on Torture that no definition of torture was included in its Penal Code because that crime was already covered by existing legislation. Penalties for torture were more severe when perpetrated by persons who had responsibility for children and, in any event, ill-treatment of children already constituted a crime under Italian law.

51. In reply to the question on the teaching of religion in schools, he pointed out that there was now complete freedom of choice in the matter of religious instruction. There was not yet any uniform type of religious teaching in Italian schools.

52. Miss MASON, referring again to her question on whether the increase in single-parent families had had any impact in social and economic terms on the lives of children in Italy, asked whether there were any legislative or other measures in place to protect children who had been subjected to abuse. In some cases, domestic violence protection orders could be issued, under which

the perpetrator of the abuse could be asked to vacate the premises pending a court inquiry. What part was played by social work agencies in Italy in protecting such children?

53. Mrs. SANTOS PAIS said she would appreciate a reply to the question she had raised on article 15 of the Convention.

54. Concerning article 37, the principle of *nulla poena sine lege* also applied in the case of torture: if there was no definition of the crime of torture in the Italian legal system, it would be difficult to impose penalties for it or to deter those likely to commit it. While she could understand that the reason for that situation might be that the United Nations Convention against Torture had now been incorporated into the Italian legal system, the principle she had referred to should not be overlooked.

55. On article 19, which covered ill-treatment within the family, the Italian delegation had stated that it was possible for those responsible for the child to resort to "non-excessive" modes of correction. Who determined what was excessive or not excessive? Was it, in the last resort, the court and did that mean that, if the case did not come to court, there could be no decision? Even if the decision was left to the judge, was there not a risk of undue subjectivity?

56. In some countries, the approach taken was a more positive one: instead of a definition of penalties for actions contrary to the interests of the child in the Penal Code, a definition of parental responsibilities was included in the Civil Code. She hoped that the dialogue with the Committee might encourage the Italian delegation to consider that approach.

57. Mr. TORELLA di ROMAGNANO (Italy) said that Italian legislation in the matter differed from that of other countries in that the Civil Code gave no indication as to the limits of parental authority and did not specifically define parental responsibilities. While it was true that the difference between excessive and non-excessive means of correction was not always clear, in practice, both objective and subjective elements would be taken into account in reaching a decision. Any form of ill-treatment of a child, whether or not excessive, constituted a crime.

58. With regard to correction, only the judge could decide whether or not the means used had been excessive. It was true that not all cases reached the courts, but that was unfortunately unavoidable: only a very few cases of crimes committed against children within the family ever came to light.

59. The question of freedom of association had not been dealt with in the report because that freedom already existed in Italy. As soon as a child's personality was formed and it was capable of expressing its views, it could both join and form associations and indeed schools encouraged students to do so.

60. The CHAIRPERSON, summing up the discussion on the section of the list of issues relating to civil rights and freedoms, said that the members of the Committee had raised the question of the right of association and had stressed

the need to ensure the right of the child to information, while guarding against negative influences, and had recognized the positive role that could be played by the media.

61. The Committee had also discussed the problem of violence against children and the question of corporal punishment, both within the family and in school, and examples from other legislations had been quoted. While each country was of course sovereign in drafting its own law, it should ensure that that law was in conformity with the relevant provisions of the Convention and was as clearly worded as possible so that misinterpretations could be avoided. It was not too late for Italy to improve the formulation of its existing legislation in the matter so as to strengthen it and make it better able to achieve its objectives.

62. Mrs. SARDENBERG said that, in addition to legislation, campaigns to mobilize public opinion and to bring about changes of attitude were essential.

63. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Family environment and alternative care", which read:

"Family environment and alternative care
(Arts. 5, 18, paras. 1 and 2, 9, 10, 27, paras. 4, 20, 21, 11, 19, 39 and 25 of the Convention)

20. With respect to the implementation of article 25 of the Convention, what systems and procedures exist for the regular monitoring of the treatment of children placed in institutions? What steps are being taken to ensure that staff working in such institutions are sufficiently trained and are informed about the Convention?

21. In view of the information contained in paragraphs 115 and 116 of the report, please indicate the measures being taken to ensure that the administrative and judicial bodies involved with procedures for adoption and foster placement or similar alternative care arrangements are working in a coordinated manner to ensure the protection of the rights of the child.

22. Is the Government considering the possibility of ratifying the 1993 Hague Convention on the protection of children and cooperation in respect of intercountry adoption?

23. With reference to articles 9 and 10 of the Convention, please provide information on the outcome of cases concerning the right of the child to maintain personal relations and direct contact with both parents, especially in those cases where his/her parents reside in different States."

64. Mrs. SARDENBERG noted that paragraph 115 of the report stated that 30,000 children in Italy were currently in institutions. In its reply to question 21 of the list of issues, the delegation had stated that procedures and coordination mechanisms in relation to adoption had now been institutionalized, but she would still like to know why that figure was so high.

65. The delegation had stated that Italy intended to sign and ratify the Hague Convention on Inter-Country Adoption: had there been any developments in that area? Had Italy entered into any bilateral agreements with other countries on the matter, in view of the allegations made concerning certain abuses, such as child trafficking?

66. Lastly, she requested the delegation to comment on recent press reports of sexual exploitation of under-age girls in Mozambique by Italian troops who were members of United Nations forces.

67. Mr. HAMMARBERG, referring to article 19 of the Convention, said he assumed that, when the National Observatory for Children had defined protective measures as a major area of concern, it had had in mind not only legislation, but also social policy. Attempts to distinguish between excessive and non-excessive violence against children were not likely to be very productive: legislation should give a clear signal that children within the family should be totally protected against ill-treatment. Parental education, family counselling and clear instructions to authorities to be on the alert for signs of ill-treatment of children, as well as clear procedures defining the circumstances in which they could intervene, were all important. Did Italy have a more comprehensive approach towards preventing domestic violence?

68. Mrs. SANTOS PAIS pointed out that, until recently, the attitude that nothing could be done to prevent any form of violence against women, particularly within the family, had prevailed. However, it was now clearly recognized that there was no justification for ill-treatment of women, either in an institutional or in a family context, and children should be regarded as equal in that respect.

69. She too was concerned to note the high rate of institutionalization of children in Italy, particularly in the south. If that institutionalization was a response to the lack of an adequate standard of living in the region, ways should be found of enabling the families concerned to assume their responsibilities. Since they were already punished by social exclusion, the institutionalization of their children could only be a further punishment.

70. Mrs. EUFEMIO said she would like clarification on what was meant by institutionalization. If it had adverse effects on the child, how were they remedied? It had been stated that, although foster care was an alternative, parents nevertheless preferred institutionalization: what were the reasons for that preference? What was the policy regarding the possibility of subsequent adoption of the child by the foster family?

The meeting rose at 6.05 p.m.